



Edward B. Lefebvre

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United States District Court, Northern District of New York
Attn: Clerk's Office
James T. Foley U.S. Courthouse
445 Broadway, Suite 509
Albany, New York 12207

December 10, 2021

Via Courier

Re: United States v. Delia et al., No. 1:18-cr-00338

Dear Madam or Sir:

I write on behalf of General Electric Company ("GE"), the victim in the above-captioned matter.

I understand that the Court has entered judgment against each of the two named defendants in this matter: one judgment entered December 13, 2019 against Mr. Miguel Sernas (by Hon. Mordue, Entry No. 53), and one judgment entered November 12, 2021 against Mr. Jean Patrice Delia (by Hon. D'Agostino, Entry No. 83). I have enclosed copies of both these judgments – each of which, as you will see, orders payment of \$1,400,000 in restitution to GE.

In accordance with 18 U.S.C. § 3664(m)(1)(A)(ii)(B), GE respectfully asks that your office kindly issue an abstract of judgment certifying that these two judgments have been entered in favor of GE in the amounts specified. A proposed form of Abstract of Judgment is enclosed for your review and issuance, together with (1) a check for \$11, payable to "Clerk, U.S. District Court," and (2) a pre-paid return pouch.

I also understand that one defendant, Mr. Delia, may have recently paid a sum of money in to the Court in partial satisfaction of the restitution he owes. As any such funds payable to GE are received, GE respectfully asks that they be forwarded to the following address:

General Electric Company
Attention: General Counsel, GE Gas Power
1 River Road
Schenectady, New York 12345

Should you have any questions or concerns, please do not hesitate to contact me. I appreciate your kind assistance with this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Edward B. Lefebvre', with a long horizontal flourish extending to the right.

Edward B. Lefebvre

cc (via Email, without enclosures): michael.barnett@usdoj.gov (Michael S. Barnett)
scott@scottisemanlaw.com (Scott W. Iseman)
office@bwvlaw.com (Paul S. Volk)

UNITED STATES DISTRICT COURT

Northern District of New York

UNITED STATES OF AMERICA

v.

Miguel Sernas

JUDGMENT IN A CRIMINAL CASE

Case Number: DNYN 1:18CR00338-002

USM Number: 57123-039

Scott W. Iseman & Michael P. McDermott
54 State Street, 9th Floor
Albany, NY 12207-2501
518-462-5601

Defendant's Attorney

THE DEFENDANT:

- ☒ pleaded guilty to count(s) 1 of the Indictment on May 15, 2019.
- ☐ pleaded nolo contendere to count(s) which was accepted by the court.
- ☐ was found guilty on count(s) of the on after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

| <u>Title & Section</u> | <u>Nature of Offense</u> | <u>Offense Ended</u> | <u>Count</u> |
|----------------------------|-----------------------------------|----------------------|--------------|
| 18 U.S.C. § 1832(a)(5) | Conspiracy to Steal Trade Secrets | 10/15/2013 | 1 |

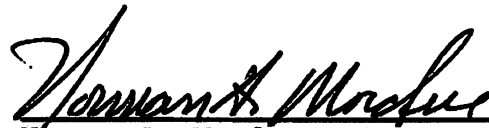
The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed in accordance with 18 U.S.C. § 3553 and the Sentencing Guidelines.

- ☐ The defendant has been found not guilty on count(s)
- ☐ Count(s) ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

December 10, 2019

Date of Imposition of Judgment



Norman A. Mordue
Senior U.S. District Judge

December 13, 2019

Date

DEFENDANT: Miguel Sernas
CASE NUMBER: DNYN 1:18CR00338-002

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

Time Served

(the defendant has been in custody since his arrest on December 4, 2018)

No term of supervised release is imposed pursuant to USSG §5D1.1(c)

- ☐ The court makes the following recommendations to the Bureau of Prisons:
- ☒ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district:
- ☐ at ☐ a.m. ☐ p.m. on.
- ☐ as notified by the United States Marshal.
- ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
- ☐ before 2 p.m. on.
- ☐ as notified by the United States Marshal.
- ☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____ with a certified copy of this judgment.

UNITED STATES MARSHAL

BY DEPUTY UNITED STATES MARSHAL

DEFENDANT: Miguel Sernas
CASE NUMBER: DNYN 1:18CR00338-002

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

| | <u>Assessment</u> | <u>JVTA Assessment*</u> | <u>AVAA Assessment**</u> | <u>Fine</u> | <u>Restitution</u> |
|---------------|-------------------|-------------------------|--------------------------|-------------|--------------------|
| TOTALS | \$ 100 | \$ 0 | \$ 0 | \$ 0 | \$ 1,400,000 |

☐ The determination of restitution is deferred until. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☒ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

| <u>Name of Payee</u> | <u>Total Loss***</u> | <u>Restitution Ordered</u> | <u>Priority or Percentage</u> |
|--------------------------|----------------------|----------------------------|-------------------------------|
| General Electric Company | \$ 1,400,000 | \$ 1,400,000 | |
| Totals | \$ 1,400,000 | \$ 1,400,000 | |

☒ Restitution amount ordered pursuant to plea agreement \$ 1,400,000

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☒ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☒ the interest requirement is waived for the ☐ fine ☒ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

*Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

**Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

***Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Miguel Sernas
CASE NUMBER: DNYN 1:18CR00338-002

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☐ In full immediately; or
- B ☐ Lump sum payment of \$ due immediately; balance due
- ☐ not later than, or
- ☐ in accordance with ☐ D, ☐ E, ☐ F, or ☐ G below; or
- C ☒ Payment to begin immediately (may be combined with ☐ D, ☐ E, or ☒ G below); or
- D ☐ Payment in equal installments of \$ over a period of, to commence after the date of this judgment; or
- E ☐ Payment in equal installments of \$ over a period of, to commence after release from imprisonment to a term of supervision; or
- F ☐ Payment during the term of supervised release will commence within after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- G ☒ Special instructions regarding the payment of criminal monetary penalties:
The special assessment is due immediately. This restitution is due immediately, with any remaining restitution payable at a minimal rate of 25% of your gross income while incarcerated and a minimal rate of \$100 per month or 10% of your gross income, whichever is greater, upon your release from imprisonment. If at any time you have the resources to pay full restitution, you must do so immediately. You shall begin paying restitution while incarcerated.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to **Clerk, U.S. District Court, Federal Bldg., 100 S. Clinton Street, P.O. Box 7367, Syracuse, N.Y. 13261-7367**, unless otherwise directed by the court, the probation officer, or the United States attorney. If a victim cannot be located, the restitution paid to the Clerk of the Court for that victim shall be sent to the Treasury, to be retrieved when the victim is located.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☒ Joint and Several
- ☒ Defendant and Co-Defendant Names and Case Numbers (*including defendant number*), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.
Jean Patrice Delia 1:18CR00338-001, total amount
- ☐ The Court gives notice that this case involves other defendants who may be held jointly and severally liable for payment of all or part of the restitution ordered herein and may order such payment in the future.
- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☒ The defendant shall forfeit the defendant's interest in the following property to the United States:
The property outlined in the Preliminary Order of Forfeiture.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) JVT Assessment, (8) penalties, and (9) costs, including cost of prosecution and court costs.

UNITED STATES DISTRICT COURT

Northern District of New York

UNITED STATES OF AMERICA

v.

Jean Patrice Delia

JUDGMENT IN A CRIMINAL CASE

Case Number: DNYN 1:18CR00338-001

USM Number: 26024-052

Paul S. Volk
P.O. Box 8
Burlington, VT 05402
802-862-8919

Defendant's Attorney

THE DEFENDANT:

- ☒ pleaded guilty to count(s) 1 of the Indictment on December 10, 2019.
- ☐ pleaded nolo contendere to count(s) which was accepted by the court.
- ☐ was found guilty on count(s) of the on after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

| <u>Title & Section</u> | <u>Nature of Offense</u> | <u>Offense Ended</u> | <u>Count</u> |
|----------------------------|-----------------------------------|----------------------|--------------|
| 18 U.S.C. § 1832(a)(5) | Conspiracy to Steal Trade Secrets | 10/15/2013 | 1 |

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed in accordance with 18 U.S.C. § 3553 and the Sentencing Guidelines.

- ☐ The defendant has been found not guilty on count(s)
- ☐ Count(s) ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

November 10, 2021

Date of Imposition of Judgment


Mae A. D'Agostino
U.S. District Judge

11/12/2021

Date

DEFENDANT: Jean Patrice Delia
CASE NUMBER: DNYN 1:18CR00338-001

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:
24 months

No term of supervised release is imposed pursuant to USSG §5D1.1(c)

- ☐ The court makes the following recommendations to the Bureau of Prisons:
- ☒ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district:
- ☐ at ☐ a.m. ☐ p.m. on.
- ☐ as notified by the United States Marshal.
- ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
- ☐ before 2 p.m. on.
- ☐ as notified by the United States Marshal.
- ☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____ with a certified copy of this judgment.

UNITED STATES MARSHAL

BY DEPUTY UNITED STATES MARSHAL

DEFENDANT: Jean Patrice Delia
CASE NUMBER: DNYN 1:18CR00338-001

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

| | <u>Assessment</u> | <u>JVTA Assessment*</u> | <u>AVAA Assessment**</u> | <u>Fine</u> | <u>Restitution</u> |
|---------------|-------------------|-------------------------|--------------------------|-------------|--------------------|
| TOTALS | \$ 100 | \$ 0 | \$ 0 | \$ 0 | \$ 1,400,000 |

☐ The determination of restitution is deferred until. *An Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☒ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

| <u>Name of Payee</u> | <u>Total Loss***</u> | <u>Restitution Ordered</u> | <u>Priority or Percentage</u> |
|--------------------------|----------------------|----------------------------|-------------------------------|
| General Electric Company | \$ | \$ 1,400,000 | |
| Totals | \$ | \$ 1,400,000 | |

☒ Restitution amount ordered pursuant to plea agreement \$ 1,400,000

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☒ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☒ the interest requirement is waived for the ☐ fine ☒ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

*Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

**Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

***Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Jean Patrice Delia
CASE NUMBER: DNYN 1:18CR00338-001

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☐ In full immediately; or
- B ☐ Lump sum payment of \$ due immediately; balance due
- ☐ not later than, or
- ☐ in accordance with ☐ D, ☐ E, ☐ F, or ☐ G below; or
- C ☒ Payment to begin immediately (may be combined with ☐ D, ☐ E, or ☒ G below); or
- D ☐ Payment in equal installments of \$ over a period of, to commence after the date of this judgment; or
- E ☐ Payment in equal installments of \$ over a period of, to commence after release from imprisonment to a term of supervision; or
- F ☐ Payment during the term of supervised release will commence within after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- G ☒ Special instructions regarding the payment of criminal monetary penalties:
The special assessment is due immediately. Restitution is due immediately, with any remaining restitution payable at a minimal rate of 25% of your gross income while incarcerated and a minimal rate of \$100 per month or 10% of your gross income, whichever is greater, upon your release from imprisonment. If at any time you have the resources to pay full restitution, you shall do so immediately.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to **Clerk, U.S. District Court, Federal Bldg., 100 S. Clinton Street, P.O. Box 7367, Syracuse, N.Y. 13261-7367**, or to pay electronically, visit www.nynd.uscourts.gov for instructions, unless otherwise directed by the court, the probation officer, or the United States attorney. If a victim cannot be located, the restitution paid to the Clerk of the Court for that victim shall be sent to the Treasury, to be retrieved when the victim is located.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☒ Joint and Several
- ☒ Defendant and Co-Defendant Names and Case Numbers (*including defendant number*), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.
Miguel Sernas DNYN 1:18CR00338-001, total amount
- ☐ The Court gives notice that this case involves other defendants who may be held jointly and severally liable for payment of all or part of the restitution ordered herein and may order such payment in the future.
- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☒ The defendant shall forfeit the defendant's interest in the following property to the United States:
The property outlined in the Preliminary Order of Forfeiture.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) JVT Assessment, (8) penalties, and (9) costs, including cost of prosecution and court costs.